

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

VALENTINA SERRA

Plaintiff,

vs.

Case No. _____

MIDLAND CREDIT
MANAGEMENT, INC.,

Honorable _____

Defendants.

Gary D. Nitzkin (P41155)
Travis L. Shacelford (P68710)
Attorneys for Plaintiff
22142 W. Nine Mile Rd.
Southfield, MI 48033
(248) 353-2882
gary@micreditlawyer.com

Theodore W. Seitz (P60320)
Aaron L. Vorce (P68797)
Dykema Gossett PLLC
Attorneys for Defendant
201 Townsend St., Suite 900
Lansing, MI 48933
(517) 374-9149
tseitz@dykema.com
avorce@dykema.com

**NOTICE OF REMOVAL UNDER
28 U.S.C. § 1441(B)(FEDERAL QUESTION)**

Defendant Midland Credit Management, Inc. (“Midland”) hereby gives notice that this action is removed from the 19th Judicial District Court, State of Michigan to the United States District Court for the Eastern District of Michigan, pursuant to 28 U.S.C. §§ 1441 and 1446. In support, and for the purpose of removal only, Midland states as follows:

1. On or around August 29, 2014, Plaintiff Valentina Serra commenced this action against Defendant Midland Credit Management, Inc. (“Midland”) in the 19th Judicial District Court, State of Michigan, Case No. 14-10936GC. Midland was served via certified mail on September 26, 2014. Plaintiff alleged that Midland violated the federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §§1692 *et seq.* and the Michigan Occupational Code, M.C.L. 339.901(b) and the Michigan Collection Practices Act (“MCPA”), M.C.L. § 445.21 and demands damages in the total amount of less than \$25,000. All process, pleadings, and orders are attached as Exhibit 1.

3. This case is a civil action of which this Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331, because Plaintiff’s Complaint purports to assert claims against Midland arising out of the FDCPA.

4. This Court has supplemental jurisdiction over the remaining claims pursuant to 28 U.S.C. § 1367, because they are so related to the federal claims set forth in the Complaint that they form part of the same case or controversy.

5. Midland is within the 30 days to remove, which is allowable under Section 1441. See 28 U.S.C. § 1446. The 30-day period for removal runs from the service of the summons on the defendant. *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

6. The 19th Judicial District Court is located in the Eastern District of Michigan, Southern Division. See 28 U.S.C. § 1441(a).

7. A Notice of Filing Notice of Removal and a copy of this Notice of Removal are being filed with the 19th Judicial District Court as required by 28 U.S.C. § 1446(d) and copies of the same have been served upon Plaintiffs, which is evidenced by the attached proof of service.

WHEREFORE, Midland Credit Management, Inc., by counsel, removes the subject action from the 19th Judicial District Court, State of Michigan to the United States District Court for the Eastern District of Michigan.

Respectfully submitted,

DYKEMA GOSSETT, PLLC

Dated: October 22, 2014

By: /s/ Theodore W. Seitz

Theodore W. Seitz (P60320)
Aaron L. Vorce (P68797)
Attorneys for Defendant
Capitol View Bldg.
201 Townsend St., Suite 900
Lansing, MI 48933
(517) 374-9149

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2014, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, and that a copy has been served via United States First Class Mail, with postage prepaid, upon:

Gary D. Nitzkin
Travis L. Shacelford
Attorneys for Plaintiff
22142 W. Nine Mile Rd.
Southfield, MI 48033

Clerk of the Court
19th Judicial District
16077 Michigan Ave.
Dearborn, MI 48126

/s/ Theodore W. Seitz
Theodore W. Seitz (P60320)
Aaron L. Vorce (P68797)
Attorneys for Defendant
Capitol View Bldg.
201 Townsend St., Suite 900
Lansing, MI 48933
(517) 374-9149